

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS :
PENSION FUND, WELFARE FUND, :
ANNUITY FUND, AND APPRENTICESHIP, :
JOURNEYMAN RETAINING, :
EDUCATIONAL AND INDUSTRY FUND, :
et al., :
Petitioners, :
: - against - :
WINDHAM CONSTRUCTION CORP., :
Respondent. :
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17-CV-4630 (VSB) (SDA)

ORDER

VERNON S. BRODERICK, United States District Judge:

Petitioners Trustees of the New York City District Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, and Apprenticeship, Journeyman Retraining, Educational and Industry Fund, Trustees of the New York City Carpenters Relief and Charity Fund, the New York City and Vicinity Carpenters Labor Management Corporation, and the New York City District Council of Carpenters (“Petitioners”) commenced this action on June 20, 2017 under § 301 of the Labor Management Relations Act of 1947, 29 U.S.C. § 185, to confirm and enforce an Arbitrator’s Award awarded pursuant to a collective bargaining agreement involving Respondent Windham Construction Corp. (“Respondent”). (Doc. 1.) Before me is Magistrate Judge Stewart D. Aaron’s unchallenged Report and Recommendation, issued on December 27, 2017 (“Report and Recommendation”), which recommends that I confirm the arbitration award and grant Petitioners’ application for attorneys’ fees and costs with modifications. (*See* Doc. 14, at 1.) Because neither party has objected to the Report and Recommendation, and because I find

that Judge Aaron's Report and Recommendation is thorough and detailed, I accept its findings and recommendations and adopt it in its entirety.

I. Factual and Procedural Background

The facts set forth in the Report and Recommendation are incorporated herein by reference unless otherwise noted. I assume familiarity with the facts and recite here only those facts necessary for an understanding of the issues before me.

Petitioners filed their petition to confirm the arbitration award on June 20, 2017. (Doc. 1.) On December 8, 2017, I referred this case to Judge Aaron for a report and recommendation on the petition. (Doc. 10.) Judge Aaron issued his Report and Recommendation on December 27, 2017. (Doc. 14.) Respondent has not opposed the petition or otherwise appeared in the instant action, and did not file any objections to the Report and Recommendation.

II. Analysis

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, the Report and Recommendation was filed on December 27, 2017. (See Doc. 14.)

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections,” (Doc. 14, at 10), neither party filed any objections. I therefore review Judge Aaron’s thorough and well-reasoned Report and Recommendation for clear error and find none.

III. Conclusion

Accordingly, I adopt the Report and Recommendation in its entirety. Petitioners’ Petition to Confirm an Arbitration Award is GRANTED and Petitioners’ application for attorneys’ fees and costs is GRANTED with modifications. Thus, (1) the October 27, 2016 Award requiring Respondent to pay Petitioners \$38,535.16 plus interest from the date of the Award through the date of the judgment at a rate of 5.5% is confirmed; (2) Petitioners’ application for attorneys’ fees is granted in the amount of \$730.00; (3) Petitioners’ application for costs is granted in the amount of \$75.00; and (4) Petitioners’ application for post-judgment interest is granted. The Clerk’s Office is respectfully directed to enter judgment in favor of Petitioners and close the case.

SO ORDERED.

Dated: May 22, 2018
New York, New York



Vernon S. Broderick
United States District Judge